

## REMARKS

Applicant notes with appreciation the Examiner's withdrawal of objections to the specification in light of Applicant's amendment thereto. Further, Applicant notes with appreciation the Examiner's withdrawal of the rejection of certain claims under 35 U.S.C. §112, second paragraph, in view of Applicant's amendments.

In the present action, the Examiner has reiterated a rejection of Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Scott, et al., United States Published Application No. US 2004/0073507 A1. That rejection is once again respectfully traversed.

As noted in the previous amendment, Applicant has carefully examined Scott et al., and notes once again that Scott et al., completely fails to show or suggest in any way the specifying "to each of said limited number of possible suppliers an identity of all of said limited number of possible suppliers..." after issuance of invitation to a bidder's conference, as expressly recited within the claims of the present application.

As noted by the Examiner at paragraph 109 of Scott et al., on pages 13 and 14, Scott et al., note that an existing supplier may be notified regarding a new supplier "including information regarding the new supplier's winning bid..." indicating that selective existing suppliers may be notified of the existence, and presumably the identity, of new suppliers only **after** the new supplier has submitted a winning bid.

Applicant respectfully urges the Examiner to consider that the claims of the present application recite specifying to each of "said limited number of possible suppliers" an identity "of all of said limited number of **possible suppliers...**" (Emphasis added) and thereafter negotiating a final price and selecting a designated supplier. As set forth within paragraph 28 of the present application, the Applicant has noted that by providing the identity of each conference participant to all conference participants, each supplier at the bidder's conference "will have knowledge of all competitive suppliers currently bidding to provide a particular component. Experience has determined that this process is likely to result in a most efficient determination of pricing for particular components and assemblies."


Applicant urges the Examiner to consider that the publication of the identity of a successful supplier to those suppliers who were unsuccessful may result in a decrease in the proffered price during a next round of supply conferences; however, Applicant has determined that identifying to each of the possible suppliers the identity of all possible suppliers prior to awarding the contract will result in an advantageous pricing structure during the current contract negotiations, not subsequent contract negotiations. By following the procedure set forth within Scott et al., the issuance of a contract to a new supplier may have a salutary effect on the prices offered by unsuccessful bidders during the next conference; however, a new bidder may participate in that conference and become the successful supplier. The publication of that new supplier's name will then have a salutary effect on the pricing of the bidders so notified in a subsequent contract negotiation. Each of these process steps results in a loss of possible economic advantage which can be obtained by following the method of the present invention. That is, specifying to each of the "possible suppliers" an identity of all possible suppliers prior to negotiating a final price and selecting a designated supplier. Applicant urges that the characterization of the suppliers as "possible" suppliers clearly indicates that this activity takes place prior to the selection of a designated supplier; however, in the event the Examiner is uncertain regarding this chronological ordering, Applicant offers to amend Claim 1 to expressly indicate this particular chronological order.

For the reasons set forth above, Applicant urges that the claims in the present application which specify the publication of all possible supplier identities to the limited number of possible suppliers selected to participate in a bidder's conference will have a salutary effect on contract price which is not obtainable utilizing the method and system of Scott et al., and as a consequence, Applicant believes Claims 1-8 define patentable subject matter over that reference.

### **CONCLUSION**

No additional fee is believed to be required; however, in the event such a fee is required please charge that fee to **DILLON & YUDELL DEPOSIT ACCOUNT NO. 50-3083**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJD', is written over a horizontal line.

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